

08-FI-129 MSL

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
BYONG K. CHO,

Plaintiff,

-against-

JASON ARTHUR BRINKMAN and VALERIO  
RAQUEL ANTONETTE,

Defendants.  
-----X

Index No.: 303945/07

**NOTICE OF  
FILING REMOVAL**

**THE DEFENDANTS  
DEMAND A JURY**

**NOTICE OF FILING REMOVAL**

To: SIM & PARK, LLP.  
Attorneys for Plaintiff  
450 Seventh Avenue, Suite 1805  
New York, New York 10123  
(212) 239-3680

PLEASE TAKE NOTICE that the defendants, JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE, on the 28<sup>th</sup> day of February, 2008, filed its Notice of Removal, a copy of which is attached hereto, on the Office of the Clerk of the United States District Court for the Southern District of New York.

You are also advised that the defendants, JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE, upon filing said Notice of Removal as above-stated, filed a copy of this Notice of Filing Removal with a copy of the Notice of Removal attached, with the Clerk of the Supreme Court of the State of New York, County of Bronx, in accordance with 28 U.S.C. §1446(d).

Dated: Carle Place, New York  
February 28, 2008

Respectfully submitted,

McCABE, COLLINS, McGEOUGH & FOWLER, LLP.

By: 

\_\_\_\_\_  
DORON ROSENHECK (DR7328)  
Attorneys for Defendants  
346 Westbury Avenue - P.O. Box 9000  
Carle Place, New York 11514-9000  
(516) 741-6266

08-FI-129 MSL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BYONG K. CHO,

Plaintiff,

-against-

JASON ARTHUR BRINKMAN and VALERIO  
RAQUEL ANTONETTE,

Defendants.

-----X

**NOTICE OF  
REMOVAL**

**THE DEFENDANTS  
DEMAND A JURY**

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Pursuant to 28 U.S.C. §1441 et seq., JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE, hereby remove this action for resolution based upon diversity of citizenship and the amount in controversy pursuant to 28 U.S.C. §1332. As grounds for removal, JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE state:

1. On December 26, 2007, plaintiff, BYONG K. CHO, filed a twenty-nine count Complaint seeking damages in the amount of \$5 million (\$5,000,000.00) dollars against JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE for alleged personal injuries. Plaintiff filed this Complaint in the Supreme Court of the State of New York, County of Bronx, where the suit was assigned the Index Number 303945-07.

2. JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE received a copy of the Summons and Complaint by mail on February 13, 2008. Attached hereto as Exhibit "A" is a copy of the Summons and Complaint.

3. This action is removable under 28 U.S.C. §1441, in that the jurisdiction is founded on diversity of citizenship and the amount in controversy exceeds sums specified in 28 U.S.C. §1332. The plaintiff is alleged to be a citizen of Bergen County, New Jersey and the defendants, JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE, are and have been residents of Newport News, Virginia. These claims are subject to removal pursuant to 28 U.S.C. §1441.

4. The Summons and Complaint attached as Exhibit "A" are the only process, pleadings or orders received by defendants, JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE, at the time of this removal notice.


5. Contemporaneously with this filing, defendants, JASON ARTHUR BRINKMAN and RAQUEL ANTONETTE VALERIO i/s/h/a VALERIO RAQUEL ANTONETTE, are serving copies

of this Notice upon counsel for plaintiff, and the Clerk of the Supreme Court of the State of New York, County of Bronx.

Dated: Carle Place, New York  
February 28, 2008

Respectfully submitted,

McCABE, COLLINS, McGEOUGH & FOWLER, LLP.

By:   
DORON ROSENHECK (DR7328)  
Attorneys for Defendants  
346 Westbury Avenue - P.O. Box 9000  
Carle Place, New York 11514-9000  
(516) 741-6266



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

BYONG K. CHO

Plaintiff(s),

-against-

JASON ARTHUR BRINKMAN AND VALERIO RAQUEL  
ANTONETTE

Defendant(s).

Index No.: 303945-07

Date Purchased:

SUMMONS

Plaintiff designates Bronx  
County as the place of trial.

The basis of venue is:  
The location of Accident

The accident occurred at:  
W/B Cross Bronx Expwy  
University Avenue  
Bronx, NY

County of Bronx

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: NEW YORK, NEW YORK  
November 17, 2007

ANDREW PARK, ESQ  
SIM & PARK, LLP  
Attorneys for Plaintiff  
BYONG K. CHO  
450 Seventh Ave.  
Suite 1805  
New York, New York 10123  
212-239-3680  
Our File No. 07-0236

Bronx County Clerk's Office  
851 Grand Concourse  
Bronx, NY 10461

Department: LAW  
Transaction No: 1086671  
Plaintiff: BYONG K. CHO  
Defendant: JASON ARTHUR  
Index No: 303945-2007  
Type: CT

Amount Due:	\$210.00
Amount Recd	\$210.00
Change Due:	\$0.00

Date: 12/26/0  
Time: 11:18 AM

RECEIVED  
10 DEC 26 AM 9:04  
CLERK COUNTY CLERK  
BRONX COUNTY

TO: JASON ARTHUR BRINKMAN  
628 Highland Court  
Newport News, VA 23605

VALERIO RAQUEL ANTONETTE  
09 Spring Trace Lane  
Newport News, VA 23601

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

BYONG K. CHO

Index No.:

Date Purchased:

VERIFIED COMPLAINT

Plaintiff,

-against-

JASON ARTHUR BRINKMAN AND VALERIO RAQUEL  
ANTONETTE

Defendants.

Plaintiff, by his attorneys, SIM & PARK, LLP, complaining of the Defendants, respectfully  
alleges, upon information and belief:

1. At all times herein mentioned, Plaintiff BYONG K. CHO was, and still is, a resident  
of the County of Bergen, State of New Jersey.

2. [At all times herein mentioned, Defendant VALERIO RAQUEL ANTONETTE  
was, and still is, a resident of the County of Warwick, State of Virginia.]

3. [At all times herein mentioned, Defendant JASON ARTHUR BRINKMAN was, and  
still is, a resident of the County of Warwick, State of Virginia.]

4. [At all times herein mentioned, Defendant VALERIO RAQUEL ANTONETTE was  
the owner of a 2000 HONDA motor vehicle bearing Virginia State registration number JVB5731.]

5. [At all times herein mentioned, Defendant JASON ARTHUR BRINKMAN operated  
the aforementioned motor vehicle bearing Virginia State registration number JVB5731.]

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CJ

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CJ

6. ☐ At all times herein mentioned, Defendant JASON ARTHUR BRINKMAN operated the aforementioned motor vehicle with the permission of Defendant VALERIO RAQUEL ANTONETTE.

7. ☐ At all times herein mentioned, Defendant JASON ARTHUR BRINKMAN operated the aforementioned motor vehicle with the knowledge of the Defendant VALERIO RAQUEL ANTONETTE.

8. ☐ At all times herein mentioned, Defendant JASON ARTHUR BRINKMAN operated the aforementioned motor vehicle with the consent of the Defendant VALERIO RAQUEL ANTONETTE.

9. At all times herein mentioned, Defendant VALERIO RAQUEL ANTONETTE managed the aforesaid motor vehicle.

10. At all times herein mentioned, Defendant JASON ARTHUR BRINKMAN managed the aforementioned motor vehicle.

11. At all times herein mentioned, Defendant VALERIO RAQUEL ANTONETTE maintained the aforementioned motor vehicle.

12. At all times herein mentioned, Defendant JASON ARTHUR BRINKMAN maintained the aforementioned motor vehicle.

13. At all times herein mentioned, Defendant VALERIO RAQUEL ANTONETTE controlled the aforementioned motor vehicle.

14. At all times herein mentioned, Defendant Jason Arthur Brinkman controlled the aforementioned motor vehicle.



15. At all times herein mentioned, Defendant Jason Arthur Brinkman operated the aforementioned motor vehicle in the scope of his employment with VALERIO RAQUEL ANTONETTE.

OK2 16. At all times herein mentioned, Plaintiff BYONG K. CHO was the operator of a 2003 HONDA motor vehicle bearing New Jersey State registration number VJY64S.

OK2 17. At all times herein mentioned, W/B Cross Bronx Express way in the County of Bronx, State of New York, were public roadways, streets and/or thoroughfares.

OK2 18. [ That on September 27, 2007, Defendant JASON ARTHUR BRINKMAN was operating the vehicle owned by VALERIO RAQUEL ANTONETTE ) at the aforementioned location.

except A C ) OK2 19. That on September 27, 2007, Plaintiff BYONG K. CHO was operating its motor vehicle at the aforementioned location.

OK2 20. That on September 27, 2007, at the aforementioned location, the motor vehicle owned by Defendant VALERIO RAQUEL ANTONETTE and operated by Defendant JASON ARTHUR BRINKMAN came into contact with the motor vehicle operated by Plaintiff BYONG K. CHO.

9 21. That as a result of the aforesaid contact, Plaintiff BYONG K. CHO was injured.

0 22. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.

0 23. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the Defendants were otherwise negligent, careless and reckless under the circumstances then and there prevailing.

D  
24. That by reason of the foregoing, Plaintiff **BYONG K. CHO** sustained severe and permanent personal injuries; and Plaintiff **BYONG K. CHO** was otherwise damaged.

O  
25. That Plaintiff **BYONG K. CHO** sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

O  
26. That Plaintiff **BYONG K. CHO** sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

OK  
27. That Plaintiff **BYONG K. CHO** is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking only to recover those damages not recoverable through no-fault insurance under the facts and circumstances in this action.


OK  
28. That this action falls within one or more of the exceptions set forth in CPLR §1602.

D  
29. That by reason of the foregoing, Plaintiff **BYONG K. CHO** has been damaged in the amount of FIVE MILLION (\$5,000,000.00) DOLLARS.

WHEREFORE, Plaintiff **BYONG K. CHO** demands judgment against the Defendants in the amount of FIVE MILLION (\$5,000,000.00) DOLLARS, together with the costs and disbursements of this action.

Dated: New York, New York  
November 17, 2007

Yours, etc.

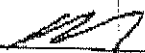
  
\_\_\_\_\_  
ANDREW PARK, ESQ  
SIM & PARK, LLP  
Attorneys for Plaintiff  
BYONG K. CHO  
450 Seventh Ave.  
Suite 1805  
New York, New York 10123  
212-239-3680  
Our File No. 07-0236

### ATTORNEY'S VERIFICATION

ANDREW PARK, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury: I am an attorney at SIM & PARK, LLP, attorneys of record for Plaintiff. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff(s) is/are not presently in the county wherein I maintain my offices.

DATED: New York, New York  
November 17, 2007

  
\_\_\_\_\_  
ANDREW PARK, ESQ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BYONG K. CHO,

Plaintiff,

-against-

JASON ARTHUR BRINKMAN and VALERIO RAQUEL ANTONETTE,

Defendants.

NOTICE OF FILING REMOVAL & NOTICE OF REMOVAL

McCABE, COLLINS, MCGEOUGH & FOWLER, LLP

*Attorney(s) for*

**Defendants**

*Office and Post Office Address, Telephone*

346 WESTBURY AVENUE

P.O. BOX 9000

CARLE PLACE, N.Y. 11514

516-741-6266

To

Signature (Rule 130-1.1-a)

Attorney(s) for

Print name beneath

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
of the within named court, at  
on

of which the within is a true copy will be presented for  
one of the judges

at

M

Dated,

Yours, etc.

McCABE, COLLINS, MCGEOUGH & FOWLER, LLP

*Attorney(s) for*

To

*Office and Post Office Address*

346 WESTBURY AVENUE

P.O. BOX 9000

CARLE PLACE, N.Y. 11514

Attorney(s) for